

FILED

UNITED STATES BANKRUPTCY COURT U.S. Bankruptcy Court, NCW
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DEC - 4 2018

In Re:)	
)	
ACE MOTOR ACCEPTANCE CORPORATION,)	Case No: 18-30426
)	Chapter 11
)	
Debtor.)	
)	
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ACE MOTORS ACCEPTANCE CORPORATION,)	
)	
)	
Plaintiff.)	Adversary Proceeding No 18-3036
)	
v.)	
)	
MCCOY MOTORS, LLC, MCCOY MOTORS, LLC d/b/a RIDE FAST; ROBERT MCCOY JR. and MISTY MCCOY,)	
)	
)	
Defendants.)	
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Steven T. Salata, Clerk
Charlotte Division/GAA

MOTION FOR DISMISSAL FILED IN WRONG VENUE / JURISDICTION AND OPPOSITION TO THE DECEMBER 18, 2018 HEARING AND THE APPOINTMENT OF RECEIVER. REQUEST FOR HEARING DATE OF DECEMBER 18, 2018 or DISMISSAL BEFORE DUE TO PLAINTIFF FILING IN WRONG VENUE / JURISDICTION.

1. **WRONG VENUE / JURISDICTION:** Document 107 was filed in the Western District of North Carolina. Both McCoy Motors LLC and Flash Autos LLC are Foreign companies completely inside of South Carolina. The Plaintiff has shown no reason to put McCoy Motors LLC and especially Flash Autos LLC (an unrelated 3rd party) into receivership, except for wild conspiracy theories in a pre-trial hearing.

Affidavit of Robin Milestone 1-10 irrelevant.

Response to statements made by Robin Milestone.

11. McCoy calls into question the truthfulness of the responses Milestone says Austin Robertson gave to him. As Robertson is indebted to the debtor, ACE, for a vehicle he purchased at McCoy Motors, LLC. McCoy believes Robertson could have very well gave Milestone the answers he thought Milestone wanted to hear or could have been coached to give the responses he gave.



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- a.) Robertson is a disgruntled ex-employee who is making these statements, if they are truly his, out of malice and with the intent to cause financial and emotional hardships to the McCoy's and their family.
- b.) This statement is irrelevant to the case.
- c.) While Robertson was an employee of McCoy Motors, LLC, Robert McCoy was his boss.
- d.) If the statement Robertson gave in 12 b is true, that he worked out the Lancaster location then, how would he know the day to day operations of what was going on at the Fort Mill location and know Misty McCoy was there every day and what she was or was not in charge of doing? He could not for sure know what was going on at the Fort Mill location if he was at the Lancaster location because he could not be in 2 places at 1 time.
- e.) There was no "name change". McCoy Motors, LLC closed due to Ace, and Robin Milestone contacting businesses that McCoy dealt with, and a new business Flash Autos LLC with a new owner McCoy III opened. McCoy has already admitted to having the cars moved into the fenced in area.
- f.) McCoy wanted to protect the inventory and have it moved inside the fence and have the property blocked off as ACE had already stolen 26 cars from McCoy Motors, LLC and McCoy didn't want any more cars to go missing or be taken by ACE.
- g.) McCoy III asked Robertson to paint the outside of the old McCoy Motors, LLC lot to red as he was opening a business there and wanted something different. McCoy III asked his mother Misty McCoy to go to Lowes with Robertson to pick out the paint for his new business to make sure the right items and colors were picked out and bought.
- h.) McCoy did not ask Robertson to hang Flash Autos' sign up, he was out of town when the sign for McCoy III's business Flash Autos LLC was hung.
- i.) Robertson's statement that McCoy said everything would be the same is false. Hours are different and the days open are different. Even the year and type of cars that are sold are different.
- j.) McCoy would not have knowledge of this as McCoy III accountant would handle this for Flash Autos LLC.
- k.) This statement contradicts Robertson's statement in 12 I, that everything is going to be the same.
- l.) It is not uncommon for a new business to keep the same phone or fax numbers of a previous business of the same. In the automotive world Finance companies send out promotions and specials all the time. McCoy said in court the fixtures and furniture was in the building when he moved into it. So When McCoy Motors, LLC closed it did the same and left the fixtures and furniture at the building.



- m.) Notice the word "virtually" is used in this paragraph. McCoy would stop by from time to time to see how his oldest son is doing with his new business. No different than any other parent would do with their own child. McCoy III has bought every car for Flash Autos LLC and this can be proven with the auction receipts. McCoy III makes the decisions for Flash Autos LLC as it is his business. No name change, Flash Autos LLC is a new business.
- n.) This is 100% false. McCoy III is the owner and operator of Flash Autos LLC. McCoy III makes the decisions for the proposed deals for his customers. McCoy III has 100% say over the deals that do and don't happen at his business. Again no name change was done. Flash Autos LLC is a new business.
- o.) n.) This is 100% false and a money order would be a money trail, and this statement does not include any customers' names or VINs.
- p.) It is 100% impossible to transfer any of McCoy Motors, LLC inventory to Flash Autos LLC. McCoy Motors, LLC inventory is owned by the floorplan that holds the title for each of those cars. Therefore the floorplan companies own the inventory.
- q.) 100% false, this is truly a lie. No customer names or VINs given.
- r.) 100% false, McCoy has sold no parts off of cars. No customer names or VINs were given. And again No name Change, Flash Autos LLC is a new business.
- s.) This statement is 100% false. Anything McCoy has bought personally no business funds were used to do. McCoy Motors, LLC has no funds to use up as Robertson said. McCoy didn't make a statement I'm using up all McCoy Motors, LLC money. McCoy had to provide ACE with financials each time they wanted a line increase.
- t.) Around the same time that McCoy Motors, LLC was forced to close its doors due to Milestone calling all of McCoy Motors, LLC lenders and others they did business with. McCoy's personal residence had water damage due to a leak. McCoy did have Robertson repair the damage to stop mold from growing inside the walls of his home. The money used to pay Robertson was money given to McCoy by his insurance company to repair the damage.
- u.) 100% false and hearsay.
- v.) McCoy admitted to owning the tow truck which has a lien on it. And the property taxes are due each year and McCoy was just doing what the government asked and paid the property tax on said tow truck.
- w.) Again Flash Autos LLC is a new business. McCoy has never been to Robertson's house in Lancaster County, SC. And any untagged vehicle in Lancaster County, SC would be towed as it violated the County ordinance. McCoy doesn't have property on Flint Hill Road and he had the fenced in area to store vehicles in should he want vehicles moved. Which Robertson stated in 12 e.
- x.) Irrelevant to the case at hand. And No Claim and Delivery was ever filed on McCoy, McCoy III or Flash Autos LLC. Again showing the malice and lies from Robertson.
- y.) Without a recording to hear McCoy cannot confirm or deny this claim. McCoy would need to hear this recording.



z.) Not sure how this is relevant to this case. The Judge has already heard Mr. Henderson's testimony on this matter and did not allow it in as evidence.

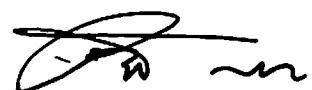
Personal statement by Robert McCoy:

Austin Robertson, who is the sole reason we are having this hearing December 18th, 2018 is indebted to ACE for a vehicle he bought from McCoy Motors, LLC during the time he worked there. McCoy calls in to question his truthfulness and the real meaning behind this statement said to be made by him. He owes ACE for his vehicle, was this given because he was mad he was let go, or did ACE promise to help him keep his vehicle or save his credit from a repossession from them? Are we really to believe the words of a disgruntled ex-employee who has no stability in his life for years? He is unable to maintain a stable job, home or even lived in the same state. McCoy knows Robertson has had at least 5 different address in the past year alone. Robertson has had 2 convictions for a Schedule 1 narcotics, 1 for distribution, in which he served 1 year in jail in Florida and the other was in possession Georgia. McCoy feels this goes to show the creditability of the witness. McCoy believes Robertson, again if this him saying these things, is done so out of malice with the intent to hurt the McCoy's financially and emotionally.

As Henderson has brought up many times during these hearings, Robert McCoy III, I have a statement I would like to make on this.

McCoy III chose to attend the University of South Carolina and was accepted into the Darla Moore School of Business. He did so straight out of high school. McCoy III not only exceeds at what he does he excels at everything he tries. And he is proving this with his business Flash Autos LLC. In a little over 3 weeks McCoy III will graduate from University of South Carolina and the Darla Moore Business with a Bachelors in Finance in only 2 years. This being from the #1 International Business School in the country. Many of his Professors are ex CEOs and CFOs which he has had many of personal business conversations with over the years.

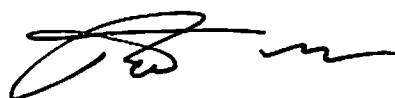
I believe Henderson's statement of McCoy III being just a 20 year old college kid is a slap in the face to the #1 International Business School in the Country and those Professors who I think would take him to task on it.



CERTIFICATE OF SERVICE

MOTION FOR DISMISSAL FILED IN WRONG VENUE / JURISDICTION AND OPPOSITION TO THE DECEMBER 18, 2018 HEARING AND THE APPOINTMENT OF RECEIVER. REQUEST FOR HEARING DATE OF DECEMBER 18, 2018 or DISMISSAL BEFORE DUE TO PLAINTIFF FILING IN WRONG VENUE / JURISDICTION. via Clerk of Court via all parties or their attorney of record requesting notice and via email to the following:

This 4th day of December, 2018.

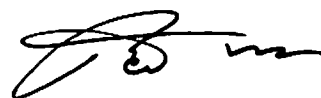


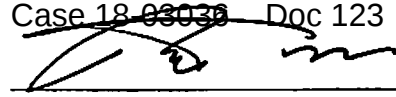
Robert McCoy
mccoymotors@live.com
mmccoy@hotmail.com
robmccoy@comporium.net

LANG LAW FIRM
/s/ Kristin Harmon Lang
Kristin Harmon Lang, Esquire
North Carolina Bar No.: 20539
2439 Plantation Center Drive
Matthews, NC 28105
Phone: 704-907-2203
Fax: 704-847-1452
kharmonlang@gmail.com

THE HENDERSON LAW FIRM
/s/ James H. Henderson
James H. Henderson
State Bar No. 13536
1201 Harding Place
Charlotte, NC 28105
Phone: 704-333-3444
Fax: 704-333-5003
henderson@title11.com

Respectfully submitted this 4th day of December, 2018





Robert McCoy
11915 John K Hall Way
Charlotte, NC 28277
Email: robmccoy@comporium.net